

**MANUAL FOR THE USE OF BOARDS OF
HEALTH OF MASSACHUSETTS,
CONTAINING THE STATUTES RELATING TO
THE PUBLIC HEALTH, THE MEDICAL
EXAMINER LAWS, THE LAWS RELATING TO
THE REGISTRATION OF VITAL STATISTICS**

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Manual for the Use of Boards of Health of Massachusetts, Containing the Statutes Relating to the Public Health, the Medical Examiner Laws, the Laws Relating to the Registration of Vital Statistics by State Board of Health

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STATE BOARD OF HEALTH

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CONTAINING THE STATUTES RELATING TO
THE PUBLIC HEALTH, THE MEDICAL
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MANUAL ⁶¹

FOR THE USE OF

BOARDS OF HEALTH

OF

18932-
MASSACHUSETTS, *State board of health*

CONTAINING THE

STATUTES RELATING TO THE PUBLIC HEALTH,
THE MEDICAL EXAMINER LAWS, THE LAWS RELATING TO
THE REGISTRATION OF VITAL STATISTICS,

AND THE

DECISIONS OF THE SUPREME COURT OF MASSACHUSETTS RELATING
TO THE SAME.

PREPARED BY DIRECTION OF THE

STATE BOARD OF HEALTH.

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11-8-1891

INTRODUCTION.

This Manual of the Statutes of Massachusetts, relative to Public Health, has been prepared at the direction of the State Board of Health, for the use of local boards and for all persons directly interested in questions which pertain to public health.

A former manual prepared in 1882 by Geo. F. Piper, Esq., followed quite closely through the first ninety-six sections the numbering employed in the Public Statutes. In consequence of the introduction of many new statutes, enacted since 1882, and the repeal of others, such numbering has necessarily been abandoned in the present manual, as well as that of 1886, while the general order of subjects is preserved as closely as possible. A slight change has been made in the order of sections under the title of infectious diseases, hospitals, etc.

The marginal notes contain the references to the chapters and sections of the Public Statutes, and also to such health laws as have been enacted since 1882.

The dates in heavier type opposite some of the sections are the years in which those statutes, or laws essentially the same, together with their amendments, were enacted.

The laws relating to the medical examiners, and also those relating to the registration of vital statistics, both of which are of special interest to the medical practitioner, are introduced in the present edition of the manual.

The State registration of vital statistics appears to have had its origin in the following act passed in 1639:—

“Item, that there be records kept . . . of the days of every marriage, birth and death of every person within this jurisdiction.”— *Colony Laws, Chap. III., 1639.*

The next act having any direct sanitary bearing was the following:—

Chapter 23 of the Acts of the General Assembly of Massachusetts Bay (1692-1693). Second session.

An Act for prevention of common nuisances arising by slaughter-houses, still-houses, etc., tallow-chandlers and carriers.

The following summary of the public health acts of Massachusetts is taken from the report of the Sanitary Commission of Massachusetts, presented to the Legislature in April, 1850.

TITLES OF ACTS RELATING TO PUBLIC HEALTH; PASSED BY THE STATE OF MASSACHUSETTS.

Date.

1692. An Act for prevention of common nuisances arising by slaughter-houses, still-houses, etc., tallow-chandlers and curriers. *Act and Laws of Province of Massachusetts Bay, Ed. 1759 and 1771.* Page 15.

1696. Chap. 6. An Act in addition to an Act for preventing of common nuisances arising from slaughter-houses, still-houses, etc. Page 68.

1700. An Act directing the admission of town inhabitants. Page 125.

1701. An Act providing in case of sickness. Page 135. Repealed 1797.

1702. An Act for appointing commissioners of sewers. Page 142. Repealed 1796.

1708. An Act in addition to and explanatory of the Act for prevention of common nuisances. Page 158.

1709. An Act for regulating of drains and common shores. Page 161. Repealed 1796.

1710. An Act explaining and enlarging of the Act for prevention of common nuisances arising by slaughter-houses, still-houses, etc., tallow-chandlers and curriers. Page 166.

1730. An Act empowering courts to adjourn and remove from the towns appointed by law for holding courts to other towns, in case of sickness from small-pox. Page 265. Repealed 1797.

1742. An Act to prevent the spreading of small-pox and other infectious sickness, and to prevent the concealing the same. Repealed 1797.

1744. An Act in addition to an Act for regulating drains and common shores. Repealed 1796.

1750. An Act to regulate the importation of *German* and other passengers come to settle in the Province. Page 342.

1751. An Act in addition to an Act made and passed in the thirteenth year of King *William* the Third, entitled, "*An Act providing in case of sickness.*" Page 356. Repealed 1797.

1757. An Act for regulating the hospital on *Rainsford's Island*, and further providing in case of sickness. Page 375. Repealed 1797.

1758. An Act in addition to an Act entitled "*An Act for regulating the hospital on Rainsford's Island, and further providing in case of sickness.*" Page 378. Repealed 1797.

1763. An Act in addition to an Act relating to common sewers. Repealed 1797.

1776. An Act to prevent the continuance of the small-pox in the town of *Boston*, and to license inoculation there for a short time. Repealed 1797.

1776. An Act empowering justices of the court of general sessions of the peace in the several counties to permit inoculating hospitals to be erected in said counties. Repealed in 1792.

1777. An Act in addition to the above Act. Repealed 1792.

1785, March 8. An Act against selling unwholesome provisions. Vol. I., page 224. Repealed 1836.

1785, June 7. An Act for preventing common nuisances. *Laws*. Ed. 1801. Vol. I., page 241. Repealed 1836.

1787, Feb. 28. An Act for the due regulation of licensed houses. Page 374. Repealed.

1788, March 26. An Act for suppressing and punishing of rogues, vagabonds, common beggars, and other idle, disorderly and lewd persons. Page 411. Repealed 1834. *Laws* 1834, page 206.

1792. An Act providing for the establishment of hospitals for inoculating with the small-pox, and for repealing all laws heretofore made for that purpose. Repealed 1793.

1793, March 15. An Act providing hospitals for inoculation, and for preventing infection from small-pox, and for repealing several Acts heretofore made for that purpose. Vol. II. Repealed 1837.

1796, Feb. 26. An Act for appointing commissioners of sewers, and making provision for the better improvement of low lands in certain cases. Vol. II., page 721. Repealed 1836.

1797, Feb. 20. An Act for regulating drains and common sewers. Vol. II., page 752. Repealed 1836.

1797, June 22. An Act to prevent the spreading of contagious sickness. Vol. II., page 788. Repealed 1836.

1798, Feb. 27. An Act in addition to an Act entitled "An Act for suppressing rogues, vagabonds, common beggars, and other idle, disorderly and lewd persons." Vol. II., page 812. Repealed 1834.

1799, Feb. 13. An Act to empower the inhabitants of the town of *Boston* to choose a board of health, and for removing and preventing the nuisances in said town. Vol. II., page 837. Repealed June 20, 1799.

1799, June 29. An Act to empower the town of *Boston* to choose a board of health, and for removing and preventing nuisances in said town. Vol. II., page 867.

1799, June 21. An Act to empower the inhabitants of the town of *Salem* to choose a board of health, and for removing and preventing the nuisances in said town. Vol. II., page 879.

1800, Feb. 26. An Act in addition to an Act entitled "An Act to prevent the spreading of contagious diseases." Vol. II., page 896. Repealed 1836.

1800, March 4. An Act in addition to an Act entitled "An Act to prevent common nuisances." Vol. II., page 921. Repealed 1836.

1800, June 16. An Act in addition to an Act entitled "An Act to empower the inhabitants of the town of *Salem* to choose a board of health, and for removing and preventing nuisances in said town," and for repealing part of said Act. Vol. II., page 939.

1802, Feb. 22. An Act to empower the inhabitants of the town of *Marblehead* to choose a board of health, and for removing and preventing nuisances in said town. Vol. III., page 44.

1803, June 18. An Act in addition to an Act entitled "An Act to empower the town of *Boston* to choose a board of health, and for removing and preventing nuisances in said town." Vol. III., page 161.

1804, March 7. An Act to repeal a part of an Act entitled "An Act to

empower the town of *Boston* to choose a board of health, and for removing and preventing nuisances," and for making further additions thereto Vol. III., page 218.

1809, June 16. An Act in further addition to an Act entitled "An Act to entitle the town of *Boston* to choose a board of health, and for removing and preventing nuisances." Session Laws, 1809. Page 11.

1810, Feb. 27. An Act to empower the inhabitants of the town of *Plymouth* to choose a board of health, and for removing and preventing nuisances in said town. Session Laws, 1810. Page 89.

1810, March 6. An Act to diffuse the benefits of inoculation for the cow-pox. Session Laws, 1810. Page 204. Repealed 1836.

1810, March 6. An Act in further addition to an Act entitled "An Act to empower the town of *Boston* to choose a board of health, and for removing and preventing nuisances." Session Laws, 1810. Page 221.

1816, June 20. An Act to empower the town of *Boston* to choose a board of health, and to prescribe their power and duty. Session Laws, 1816. Page 268.

1818, June 12. An Act authorizing the town of *Charlestown* to establish a board of health. Session Laws, 1818. Page 14.

1821, June 26. An Act to empower the inhabitants of the town of *Lynn* to establish a board of health, and for removing nuisances in said town. Session Laws, 1821. Page 588.

1822, Feb. 23. An Act to establish the city of *Boston*. Session Laws, 1822. Page 734.

1827, March 2. An Act authorizing the town of *Cambridge* to establish a board of health. Session Laws, 1827. Page 473.

1835, Nov. 4. REVISED STATUTES.—Went into operation April 30, 1836.

Chap. 21. On the preservation of the public health; quarantine; nuisances and offensive trades. Pages 207–214.

Chap. 131. Of offences against the public health. Page 742.

1837, April 20. An Act relating to alien passengers.

1837, April 20. An Act concerning the public health. *Supt. Rev. Stat.* Page 58.

1838, April 20. An Act to repeal certain provisions of the law in relation to the small-pox. *Ibid.*, page 82.

1840, March 18. An Act concerning the small-pox. *Ibid.*, page 149.

1841, March 17. An Act in relation to main drains and common sewers. *Ibid.*, page 196.

1842, March 3. An Act relating to the registry and returns of births, marriages and deaths. *Ibid.*, page 240.

1844, March 16. An Act relating to the registry and returns of births, marriages and deaths. *Ibid.*, page 308.

1848, April 18. An Act to repeal certain provisions of law in relation to the small-pox. *Ibid.*, page 451.

1848, May 10. An Act concerning alien passengers.

1849, May 2. An Act in relation to the public health. *Ibid.*, page 549.

1849, May 2. An Act relating to the registration of births, marriages and deaths. *Ibid.*, page 545.

1850, March 20. An Act relating to alien passengers. Session Laws. Pages 338 and 467.

1850, March 21. An Act in addition to an Act relating to the public health. *Ibid.*, page 341.

Following each section will be found the decisions of the supreme court of the State upon the subject matter of that section.

The statutes impose upon boards of health the duty of protecting the people from those causes and influences which may injuriously affect their health. In the words of Judge Wells, in the case of *City of Salem v. Eastern Railroad Company*, "Their action is intended to be prompt and summary. They are clothed with extraordinary powers for the protection of the community from noxious influences affecting life and health; and it is important that their proceedings should be delayed as little as possible. Delay might defeat all beneficial results; and the necessity of the case, and the importance of the public interests at stake, justify prompt action."

OFFICE OF THE STATE BOARD OF HEALTH,
BOSTON, JUNE, 1890.